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## U.S. Drops Some Spying Charges Against Russian Emigré Couple

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LOS ANGELES, Feb. 20 — The Government dropped charges Wednesday accusing a Soviet émigré couple of passing classified material to a foreign Government, leaving conspiracy to commit espionage as the only espionage charge against them.

No charges were dropped against Richard W. Miller, the former agent of the Federal Bureau of Investigation who is accused of espionage conspiracy with the émigré couple. Mr. Miller remains accused of passing a classified document to agents of a foreign government as well as the overall conspiracy count.

Mr. Miller is charged with conspiring with the two émigrés, Svetlana and Nikolay Ogorodnikov, to pass secret F.B.I. documents to Soviet intelligence. Bureau officials have called the Ogorodnikovs "covert agents of the K.G.B.," the Soviet intelligence and internal security agency.

Bruce G. Merritt, an assistant United States Attorney, told Judge David G. Kenyon in Federal District Court that the Government was dropping the counts against the Ogorodnikovs. Mr. Merritt said the reason was that Mr. Miller, who the Government maintains told bureau agents last fall that he had passed a specific classified document, denied any such admission in testimony at a pretrial hearing last month.

Gregory I. Stone, Mrs. Ogorodnikov's lawyer, said that the Government's decision bore out her contention that it possessed no evidence other than

Mr. Miller's statement that she gave the document to the Soviet Union.

Lawyers familiar with the case said the Government could use Mr. Miller's incriminating statements, which were made to bureau investigators questioning him, against the former agent at his own trial. But the lawyers said that his now-disavowed statements in those investigative interviews could not be used against the Ogorodnikovs because Mr. Miller could not be cross-examined on them.

The counts dropped were that the couple aided and abetted Mr. Miller in obtaining a classified document, that each of them aided and abetted Mr. Miller in delivering a classified document to a foreign government, and that Nikolay Ogorodnikov aided and abetted his wife, Svetlana, as an agent of a foreign government, in receiving the classified document from Mr. Miller.

Mr. Miller remains charged with all three of those espionage counts in addition to the conspiracy charge. In addition, he is still charged with four bribery counts relating to valuables he was purportedly to receive for his work, which the bureau said was \$65,000 in cash and gold and a \$675 raincoat. Mrs. Ogorodnikov is still charged with three bribery counts and Mr. Ogorodnikov with one bribery count.

The Government's attorneys declined to comment on what effect their move Wednesday had on their case. However, Joel Levine, a lawyer for Mr. Miller, said, "It made my day."